



City of Charleston

BOARD OF ZONING APPEALS-SITE DESIGN

December 1, 2021

5:00 PM

DEPARTMENT OF PLANNING, PRESERVATION & SUSTAINABILITY
www.charleston-sc.gov/bza-sd

****Video and microphone is currently disabled for all attendees.****

This meeting is being recorded.

Go to www.charleston-sc.gov/bza-sd for instructions to join. Call (843) 724-3770 if you are experiencing technical difficulties.

Virtual Meeting Protocol

Staff will control the slides displayed throughout the meeting.

Applicants, staff, Board members and members of the public should give their name first whenever speaking.

Applicants and members of the public must be sworn in before speaking for the first time.

Only attendees who have registered to speak before the deadline at noon today may speak during the meeting.

Video and microphone have been disabled for all attendees. Attendees will only be given the capabilities to speak when they are called on during the public comment period.

Board members who need to recuse themselves from voting will be temporarily removed from the meeting and re-admitted prior to addressing the next item.

If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Chat has been disabled for everyone.

This meeting is being recorded.

Board of Zoning Appeals-Site Design

Your Board of Zoning Appeals-Site Design Members are:

Joel Adrian— *Chair, Architectural Designer*

Amanda Graham Barton, *Landscape Architect*

Jennifer DeCiantis, *Landscape Architect/Certified Arborist*

Paula Murphy, *Layperson, Previously in land Development*

Ruthie Ravenel, *Real Estate*

Kelvin Huger, *Attorney*

Jeff Webb, *Civil Engineer*

Your City of Charleston Staff are:

Eric Schultz, *Board Administrator*

Lee Batchelder, *Zoning Administrator*

Scott Valentine, *TRC Coordinator*

Bethany Whitaker, *Clerk*

The Board of Zoning Appeals—Site Design has the authority to do three things:

1. Hear appeals to decisions of the Zoning Administrator;
2. Grant special exceptions, a fact finding function of the Board; and
3. Grant variances to the Zoning Ordinance if the application meets the hardship test outlined in Section 54-924 of the ordinance.

Board of Zoning Appeals-Site Design

Requirements for Granting a Variance

A variance may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship if the Board makes the following findings:

- a. there are extraordinary and exceptional conditions pertaining to the particular piece of property;
- b. these conditions do not generally apply to other property in the vicinity;
- c. because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
- d. the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

Public Comment

Order on Each Application:

- Chair announces each application followed by staff presentation and recommendation.
- Staff will call on applicant to present their application after being sworn in by Chair
- Staff will open the public comment period to receive comments from registered attendees in favor (first spoken, then written). Each speaker will be sworn in by the Chair.
- Staff will then recognize registered attendees for public comments in opposition after speaker is sworn in (first spoken, then written).
- Staff will recognize the applicant for a short rebuttal.
- Chair will then close the public comment period and begin Board discussion.

Providing Comment:

- If you submitted a request to speak on an item before the deadline, staff will call your name when it is your turn to speak and enable your microphone.
- Your microphone will be disabled after you are done speaking.
- **You may only speak once for each item and you must state your name and address for the record or you will not be permitted to provide comment.**

Board Discussion

- Following public comment period, Board members can make comments, ask questions and make motions.
- After a motion and second, Board members will vote “Aye, in favor” or “Nay, not in favor”. If vote is not unanimous, Chair will poll each member for their vote. The Chairman shall announce the vote on the motion and the final decision on the application.
- If a Board member needs to recuse, he will be temporarily removed from the meeting and placed back in the meeting at the start of the next agenda item.
- If the Board needs to go into Executive Session, they will call into a separate conference line and all video and audio on Zoom will be temporarily turned off until they are ready to return to the regular meeting.

Agenda Item #A-1

Approval of the November 3, 2021 BZA-SD Meeting Minutes.



AGENDA

BOARD OF ZONING APPEALS – SITE DESIGN

NOVEMBER 3, 2021 5:15 P.M. "virtually via Zoom Webinar"

A. Review of Minutes and Deferred applications from previously advertised BZA-SD agendas. For information, call 843-724-3765.

1. REVIEW OF MINUTES OF THE SEPTEMBER 1, 2021 BOARD MEETING APP. NO. 2111-03-A1

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: P.Murphy SECOND: K.Huger VOTE: FOR 5 AGAINST 0

2. REVIEW OF MINUTES OF THE OCTOBER 6, 2021 BOARD MEETING APP. NO. 2111-03-A2

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Approval.

MADE BY: J.Webb SECOND: K.Huger VOTE: FOR 3 AGAINST 0

B. New applications.

1. 102 PRESIDENT STREET(Cannonborough/ Elliottborough)(TMS#4601104023) APP. NO. 2111-03-B1

Request a variance from Sec 54-327 to allow the removal of one protected tree.
Zoned MU-2/WH
Owner: Dillon Development Partners, LLC
Applicant: SeamonWhiteside

APPROVED XX WITHDRAWN 0
DISAPPROVED 0 DEFERRED 0

MOTION: Staff recommendations & conditions:
1. Must plant 10 caliper inches of recommended native trees on the project site.
2. Must provide a landscape plan for staff review and approval.

MADE BY: A.Barton SECOND: P.Murphy VOTE: FOR 6 AGAINST 0

2. 1524 REGIMENTAL LANE(Headquarters Island) APP. NO. 2111-03-B2 (TMS#3460800075)

Request a variance from Sec 54-327 to allow the removal of one grand tree.
Zoned SR-4
Owner: Laura Dukas Beck
Applicant: Bill Eubanks

BOARD OF ZONING APPEALS—SITE DESIGN/NOVEMBER 3, 2021 PAGE 2

APPROVED 0 WITHDRAWN 0

DISAPPROVED 0 DEFERRED XX

MOTION: Deferred.

MADE BY: _____ SECOND: _____ VOTE: FOR _____ AGAINST _____

3. 3681 SAVANNAH HIGHWAY(W. Ashley) APP. NO. 2111-03-B3 (TMS#2850000137)

Request a variance from Sec 54-327 to allow the removal of three protected trees.
Zoned GB
Owner: Charleston Select Properties
Applicant: David Will

APPROVED 0 WITHDRAWN 0

DISAPPROVED 0 DEFERRED XX

MOTION: Deferred.

MADE BY: _____ SECOND: _____ VOTE: FOR _____ AGAINST _____

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 three business days prior to the meeting.

Agenda Item #B-1

2000 DANIEL ISLAND DRIVE
(Daniel Island)

TMS # 275-00-00-086 & 185

Request a variance from Sec 54-327 to allow the removal of eight grand trees.

Zoned DI-GO



Application for Variance, Special Exception, Reconsideration, or Extension to the **Board of Zoning Appeals – Site Design (BZA-SD)** **Page 1 of 2**

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals–Site Design. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board.** An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as explained on page 2 of this form.
☒ Tree Removal ☐ Landscaping/buffers ☐ Parking surface ☐ Other _____
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: December 1st 275-00-00-086, 275-00-00-185,
Property Address 2000 Daniel Island Drive TMS # 275-00-00-160
Property Owner Holder Properties, Inc. Daytime Phone (843)-745-7160
Applicant SeamonWhiteside Daytime Phone (843) 884-1667
Applicant's Mailing Address 501 Wando Park Blvd, Ste 200, Mount Pleasant, SC 29464

E-mail Address _____

Relationship of applicant to owner (same, representative, prospective buyer, other) _____

Zoning of property _____

Information required with application: (check information submitted)

- ☐ Scaled site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☐ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☐ For requests to remove trees, evaluations/reports from certified or qualified arborists
☐ Check, credit card or cash (make checks payable to the City of Charleston)
☐ **YES or NO** - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and Inspected.

Applicant Michael Kethnell Date 11/1/21

For office use only

Date application received _____ Time application received _____
Staffperson _____ Fee \$ _____ Receipt # _____

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov

BZA-SD Application (continued)

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

Variance Test: The Board of Zoning Appeals–Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws Section 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
(843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov



November 1, 2021

Mr. Eric Schultz
City of Charleston
Department of Planning, Preservation & Sustainability
2 George Street
Charleston, SC 29401

**Parcel K Office and Parking
City of Charleston
TMS #460-11-04-023**

Dillon Development Partners is requesting a variance for the removal of the following protected tree and the code requirement of 15 protected trees per acres requirement. A description of the condition of the tree and hardships are provided below:

1. Removal by Variance of seven (5) category I grand trees and one (3) category II grand tree as follows:

- 6/6/6/7" Red maple – Grade F
- 26" Willow Oak – Grade D
- 32.5" Willow Oak – Grade C
- 24.5" Willow Oak – Grade C
- 51" Willow Oak – Grade D
- 29" Laurel Oak – Grade C (graded D by Eric Shultz during site visit)
- 9.5/16" Red Oak – Grade C (graded D by Eric Shultz during site visit)
- 47" Red Oak – Grade D

Evaluation Procedures: Natural Directions LLC assessed all grand trees onsite, which are being requested for removal by variance at the BZA-SD meeting on December 1, 2021. SeamonWhiteside also walked the site with Eric Shultz in order for a further assessment of the trees.

A. *There are extraordinary and exceptional conditions pertaining to the particular piece of property:*

This property is extraordinary in that has several poor quality grand trees located in the area that will be required for a newly aligned parking lot that is needed to accommodate the reconfigured office building onsite (former Blackbaud Office). A concerted effort has been made to save several high quality grand trees that fall within the parking footprint and working the layout around these high quality trees is critical.

B. *These conditions do not generally apply to other properties in the vicinity.*

Other properties in this area do not have the same grand tree quality and distribution.

C. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and*

The location of the grand trees (proposed to be removed) would unreasonably restrict the site configuration in such a manner that would be a hardship to develop the site in a fashion that allows for the preservation of higher quality grand and protected trees.

D. *The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will be harmed by the granting of the variance.*

Authorization of this variance will not detract from the neighbors, the public good, or character of the community. This development will be a major improvement to the area due to the fact that most of the overall site currently serves as a vast parking lot, which will be greatly reduced, and will be a significant investment in the City of Charleston and the surrounding community on Daniel Island.

Should you have any questions or need additional information, please feel free to call our office at (843) 884-1667.

SEAMON, WHITESIDE + ASSOCIATES

Mike Kittrell
Senior Landscape Architect
SeamonWhiteside

BOARD OF ZONING APPEALS SITE DESIGN

City of Charleston

Wednesday, December 1, 2021

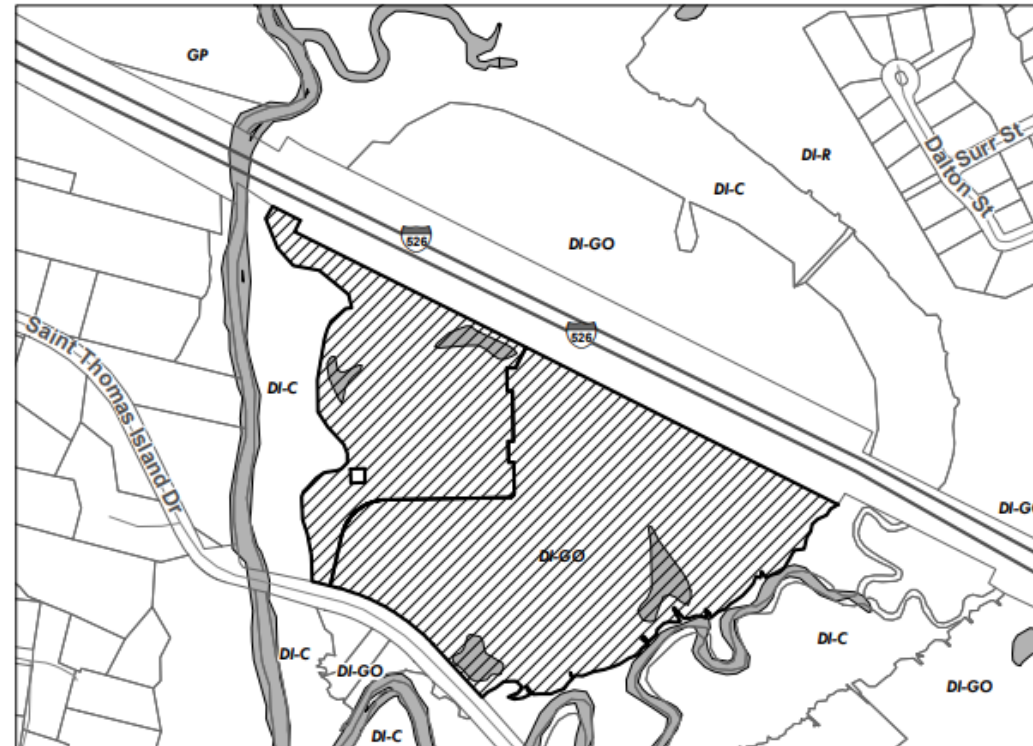
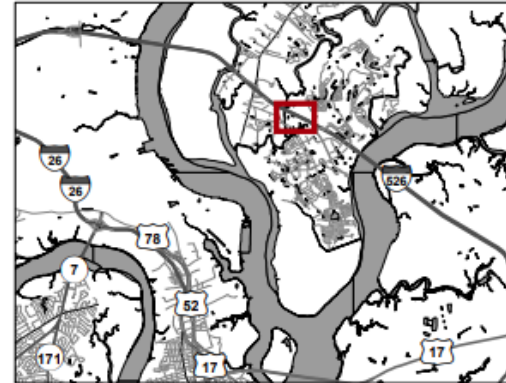
ITEM B 1

2000 Daniel Island Dr

(Daniel Island)

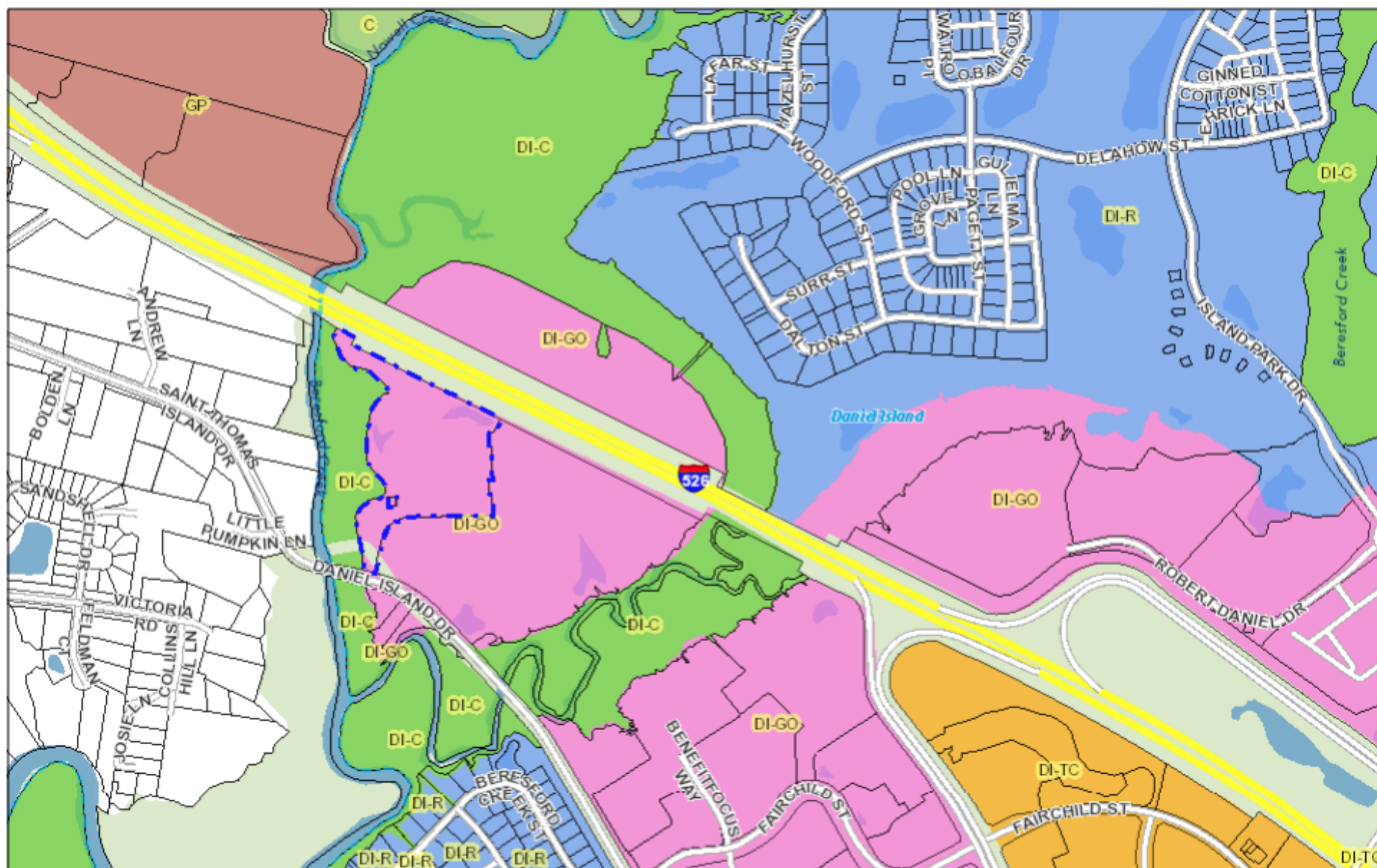
TMS# 275-00-00-086 & 185

ZONED DI-GO

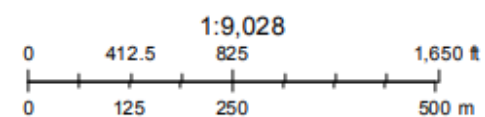


 Subject Property

2000 Daniel Island Drive

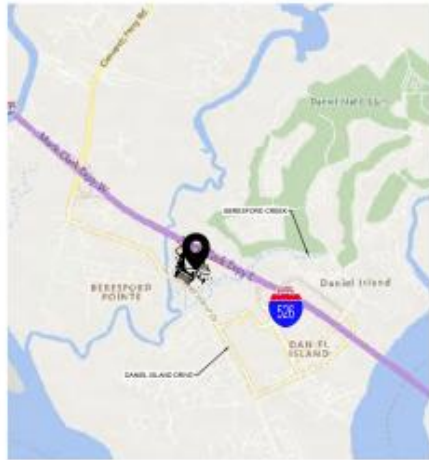


November 23, 2021





SITE LOCATION MAP



SITE CONDITIONS



CONTACTS

OWNER/DEVELOPER:
HOLDER PROPERTIES
3350 CAMBERLAND BLVD.
ATLANTA, GA 30339
CONTACT: AMY WEBER
PHONE: 301-704-0040

CIVIL ENGINEER & LANDSCAPE ARCHITECT:
SEAMON WHITESIDE & ASSOCIATES, LLC
801 MARCO PARK BLVD., SUITE 200
MOUNT PLEASANT, SC 29664
CONTACT: VIRGINIA SKIDMORE
PHONE: 843-664-1867

SURVEYOR:
THOMAS & HUTTON
182 JONAS DODDS BLVD., SUITE 100
PO BOX 1522
MOUNT PLEASANT, SC 29485-1522
CONTACT: F. ELLIOTT QUINN II
PHONE: 843-849-0200

AGENCY AND UTILITY CONTACTS

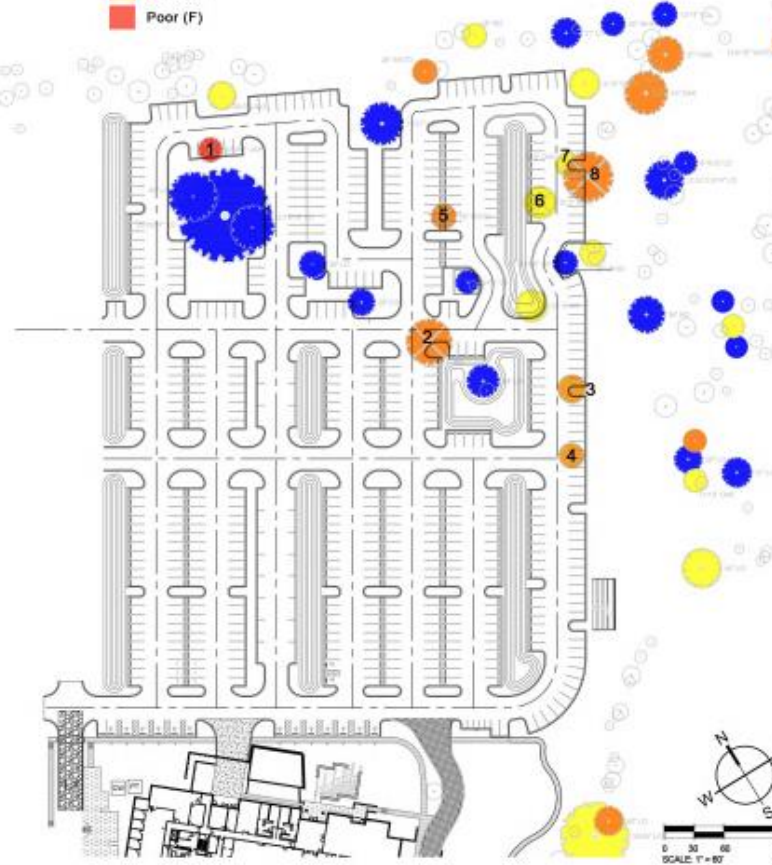
CITY OF CHARLESTON
PLANNING DEVELOPMENT
PHONE: (843) 724-3760
CONTACT: ERIC SCHULTZ

SCDHEC - STORMWATER
COASTAL STORMWATER PERMITTING SECTION
PHONE: 843-825-5324
CONTACT: PAWEŁA WINKLER

CCRM
STORMWATER MANAGER
PHONE: 843-963-0240
CONTACT: SARA COOPER
COMMON GAS
PHONE: 843-576-8524
CONTACT: JOHN HORNBY

SITE PLAN

Good (B)
Fair (C)
Poor (D)
Poor (F)



TREE EVALUATION (ARBORIST: NATURAL DIRECTIONS)

Tree Number	DBH (Inches)	Species	Grade	Arborist Comments (Natural Directions)	Comments per Eric Shultz Site Visit	Condition
1	8.5/16.7	Japanese Privet	F	Invasive		Poor
2	47	Red Oak	D	Hollow & Decay		Poor
3	29	Laurel Oak	C			Poor
4	8.5/16	Red Oak	C	V Shaped Crotch	*Tree rating should be a D grade	Poor
5	26	Willow Oak	D	Hollow Base & Storm Damage	*Tree rating should be a D grade	Poor
6	32.5	Willow Oak	C	Storm Damage	Water Oak ID to change to Willow Oak	Fair
7	24.5	Willow Oak	C	Decay & Forked	Oak ID to change to Willow Oak	Fair
8	31	Willow Oak	D	Storm Damage & Decay	Water Oak ID to change to Willow Oak	Poor

*Tree grades were confirmed at the site walk on 10/29/2021 with Eric Shultz and Seamon Whiteside
See full list of tree evaluations on preceding exhibit.

PROJECT DESCRIPTION

PROJECT DATA:

THIS PROJECT IS LOCATED ON TWO PARCELS, K-2 AND K-7, FOR A COMBINED AREA OF 17.64 ACRES, ALONG DANIEL ISLAND DRIVE IN DANIEL ISLAND, CITY OF CHARLESTON, SC (TMS# T80). THE PARCELS AS THEY EXIST CURRENTLY CONTAIN PARKING, AN EXISTING OFFICE BUILDING, AND ASSOCIATED INFRASTRUCTURE.

THE SCOPE OF SITE WORK RELATED TO THIS PROJECT INVOLVES THE FOLLOWING:

- CONSTRUCTION OF TWO NEW PARKING AREAS AND ASSOCIATED INFRASTRUCTURE + STORMWATER FACILITIES
- RELOCATION OF UTILITY SERVICES TO THE EXISTING OFFICE BUILDING
- UPFIT OF THE EXISTING OFFICE BUILDING'S EXTERIOR

SITE ACREAGE:
PARCEL K-2: 16.17 AC
PARCEL K-7: 1.47 AC

WETLANDS:
NO WETLANDS EXIST ON PROPERTY PER THE DEPARTMENT OF THE ARMY PERMIT SAC-1564-10227 (FORMERLY PERMIT #03-27-154).

FLOOD ZONE:
THIS PROPERTY IS LOCATED IN FLOOD ZONE X, AE (EL. 10 AND 11) SCALED FROM FEMA FLOOD MAP PANEL NO. 45018C/100E, REVISED DECEMBER 7, 2018.

ZONING DISTRICT:
THE PARCEL TO BE DEVELOPED IS ZONED DANIEL ISLAND GENERAL OFFICE (DI-GO) PER THE DANIEL ISLAND MASTER PLAN ZONING TEXT.

ZONING REQUIREMENTS:
ZONING DISTRICT: DANIEL ISLAND MASTER PLAN ZONING TEXT (DI-GO)
MAX. IMPERVIOUS COVERAGE: <55% IMP.
MAX. BUILDING HEIGHT: 41 PD 4.2(1)

SANITARY SEWER DISPOSAL:
SANITARY SEWER DISPOSAL SERVICE FOR THE OFFICE BUILDING WILL BE PROVIDED VIA A PRIVATE SERVICE LINE TAPPED FROM THE NEW SEWER MAIN RUNNING ALONG THE PUBLIC R/W.

PROPERTY INFORMATION:
TMS# 275-00-00-086, -096, -190, PARCEL K.
CURRENT OWNER: HOLDER PROPERTIES

ADA NOTE:
ALL RIGHT-OF-WAYS WILL BE ADA COMPLIANT AND MUST REMAIN ADA COMPLIANT DURING CONSTRUCTION OR AN ALTERNATIVE ROUTE MUST BE PROVIDED. OWNER WILL BE RESPONSIBLE FOR REPAIRING ALL DAMAGE DONE TO EXISTING SIDEWALKS IN THE R/W TO REINSTATE AN ADA ACCESSIBLE ROUTE.

PREVIOUSLY RECORDED PLATS AND DEED INFORMATION

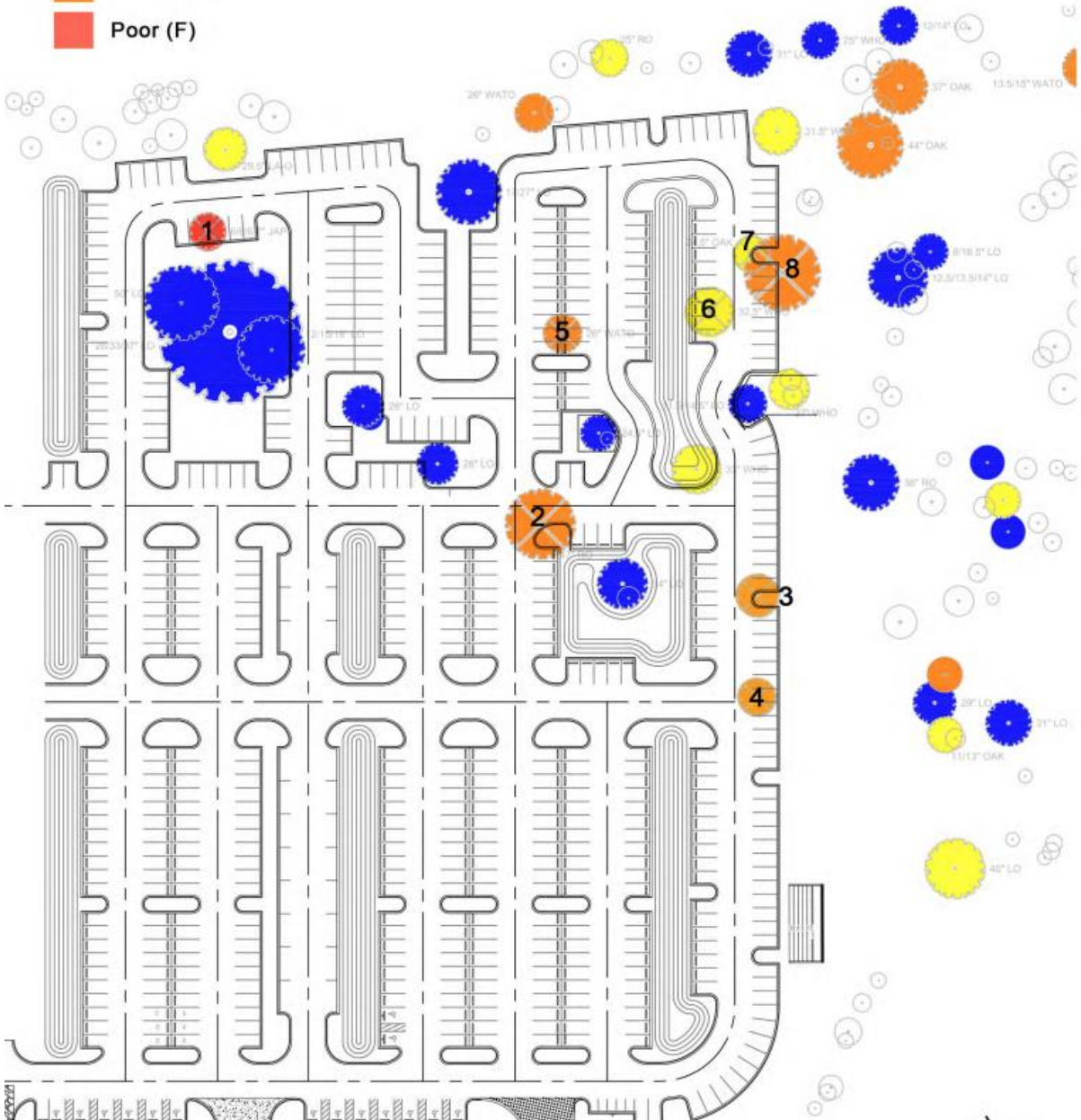
PARCEL K-1	PARCEL K-2	CPW PLUM STATION
TMS# 275-00-00-086	TMS# 275-00-00-185	TMS# 275-00-00-180
HP 1993D, LLC	HP 2000D, LLC	COMMISSIONERS OF
PLAT: CAB D - 395	PLAT: CAB D - 395	PUBLIC WORKS - CITY
DEED BOOK: 3033	DEED BOOK: 3995	OF CHARLESTON
DEED PAGE: 469	DEED PAGE: 749	PLAT: CAB P - 725
		DEED BOOK: 2391
		DEED PAGE: 299

THE FOLLOWING PLATS ARE ASSOCIATED WITH THIS PROJECT:

PRC2021-006661 - SUBDIVISION TAKEDOWN PLAT WHOSE PURPOSE IS TO PARCEL LAND FOR SALE

PRC2021-006708 - CRITICAL LINE PLAT

- Good (B)
- Fair (C)
- Poor (D)
- Poor (F)



TREE EVALUATION (ARBORIST: NATURAL DIRECTIONS)

Tree Number	DBH (Inches)	Species	Grade	Arborist Comments (Natural Directions)	Comments per Eric Shultz Site Visit	Condition
1	6/6/6/7	Japanese Privet	F	Invasive		Poor
2	47	Red Oak	D	Hollow & Decay		Poor
3	29	Laurel Oak	*C		*Tree rating should be a D grade	Poor
4	9.5/16	Red Oak	*C	V Shaped Crotch	White Oak ID to change to Red Oak	Poor
5	26	Willow Oak	D	Hollow Base & Storm Damage	*Tree rating should be a D grade	Poor
6	32.5	Willow Oak	C	Storm Damage	Water Oak ID to change to Willow Oak	Fair
7	24.5	Willow Oak	C	Decay & Forked	White Oak ID to change to Willow Oak	Fair
8	51	Willow Oak	D	Storm Damage & Decay	Oak ID to change to Willow Oak	Poor
					Water Oak ID to change to Willow Oak	Poor

*Tree grades were confirmed at the site walk on 10/29/2021 with Eric Shultz and Seamon Whiteside
 See full list of tree evaluations on preceding exhibit.

Tree Number	DBH (inches)	Species	Grade	Comments	Comments	Condition
1	6/7/10.5	Live Oak	C	Decline		Fair
2	6/17.5	Live Oak	B			Good
3	11/12.5	Live Oak	C	Decline		Fair
4	10/10/17	Live Oak	B			Good
5	15.5	Red Oak	C	Lean	Separate Species	Fair
6	24	Live Oak	C	Decline	Salt Intrusion	Fair
7	18/39	Live Oak	B			Good
8	16/28	Live Oak	C	Storm Damage		Fair
9	23	Live Oak	C	Storm Damage		Fair
10	44	Live Oak	C	Hollow Base		Fair
11	9.5/14.5	Live Oak	B	Lean		Good
12	9/14.5	Live Oak	B			Good
13	20/35	Live Oak	B	Hollow Base		Good
14	25	Live Oak	C	Storm Damage	Hollow	Fair
15	29	Live Oak	B			Good
16	11/12.5/19/29.5	Live Oak	B			Good
17	9/18	Live Oak	B	Lean		Good
18	34.5	Live Oak	C	Decline		Fair
19	23	Live Oak	B	Lean		Good
20	51	Live Oak	B			Good
21	9/12/14	Live Oak	C	Decline	Lean	Fair
22	6/14/15	Live Oak	C	Decline		Fair
23	Dead	Live Oak	F			Poor
24	25.5	Live Oak	C	Decline		Fair
25	8/9.5	Live Oak	D	Decline		Poor
26	8/9/10	Live Oak	B			Good
27	7/10/14.5	Live Oak	B			Good
28	7/9.5/10.5	Live Oak	B			Good
29	24.5	Live Oak	D	Decline	Hollow	Poor
30	28.5	Live Oak	C	Hollow Base		Fair
31	25.5	Live Oak	C	Storm Damage	Decay	Fair
32	8/20	Live Oak	C	SWA Daniel Is Parcel K/L/S		Good
33	11/11	Live Oak	B	Lean		Good
34	21/22	Willow Oak	B	Possible Separates		Good
35	22.5	Live Oak	B	Lean		Good
36	22/32	Live Oak	B			Good
37	29	Live Oak	B			Good
38	27	Live Oak	B			Good
39	25.5	Bald Cypress	B			Good
40	24.5	Bald Cypress	B			Good
41	27	Willow Oak	D	Lean		Poor
42	7/12/13	Maple	C	Poor Form	V Shaped Crotch	Fair
43	Cluster	Wax Myrtle	B			Good
44	31	Live Oak	B	Lean		Good
45	27	Live Oak	B	Lean		Good
46	33	Live Oak	B			Good
47	45	Live Oak	B	Lean		Good
48	29.5	Laurel Oak	C			Fair
49	6/6/6/7	Japanese Privet	F	Invasive		Poor
50	43	Live Oak	B			Good
51	26/33/37	Live Oak	B			Good
52	12/15/18	Live Oak	B	Lean		Good
53	28	Live Oak	B			Good
54	38.5	Live Oak	B	Lean		Good
55	28	Live Oak	B	Lean		Good
56	47	Red Oak	D	Hollow	Decay	Poor
57	34	Live Oak	B			Good
58	29	Laurel Oak	C			Fair
59	9.5/16	White Oak	C	V Shaped Crotch		Fair
60	29	Live Oak	B			Good
61	23.5	Water Oak	D	Hollow	Broken Top	Poor
62	11/13	Post Oak	C	Included Bark	Poor Form	Fair
63	31	Live Oak	B	Decay In Base		Good
64	40	Live Oak	C	Hollow Base		Fair
65	7/7/9/9	Live Oak	D	Decline	Salt Intrusion	Poor
66	23	Live Oak	B			Good
67	24	Live Oak	C	Hollow Base	Lean	Fair

68	7.5/15.5	Live Oak	B			Good
69	38	Red Oak	B	Decay		Good
70	12.5/12.5	Live Oak	B			Good
71	10/10/11	Live Oak	B	Possible Separates		Good
72	11/14	Live Oak	C	Decline		Fair
73	10/10/16	Live Oak	D	Decline	Decay	Poor
74	23	Willow Oak	B			Good
75	33	Live Oak	C	Decline		Fair
76	13.5/15	Water Oak	D	Poor Form	Hollow	Poor
77	30	Live Oak	C	Decline	Decay	Fair
78	12/14	Live Oak	B	Suppressed		Good
79	37	Willow Oak	D	V Shaped Crotch	Hollow Base	Poor
80	44	Willow Oak	D	Storm Damage	Hollow	Poor
81	25	Willow Oak	B			Good
82	31.5	Willow Oak	C	Decay	Storm Damage	Fair
83	31	Live Oak	B			Good
84	25	Red Oak	C	Poor Form		Fair
85	26	Water Oak	D	Hollow Base	Storm Damage	Poor
86	17/27	Live Oak	B	Lean	Vines	Good
87	22.5	Live Oak	B			Good
88	32.5	Willow Oak	C	Storm Damage		Fair
89	24.5	Water Oak	C	Decay	Forked	Fair
90	51	Water Oak	D	Storm Damage	Decay	Poor
91	12.5/13.5/14	Live Oak	B			Good
92	8/16.5	Live Oak	B	Lean		Good
93	27	Willow Oak	C	Forked		Fair
94	11.5/14.5	Live Oak	B			Good
95	33	Willow Oak	C	Decay		Fair
96	23.5	Water Oak	D	Hollow		Poor
97	24.5	Live Oak	B			Good
98	26	Water Oak	D	Decay	Poor Form	Poor
99	10.5/11.5	Live Oak	D	Decline		Poor
100	30	Live Oak	C	SWA Daniel Is Parcel K/L/S	Salt Intrusion	Poor
101	30/40	Live Oak	C	Decline	Salt Intrusion	Fair
102	15/29	Live Oak	C	Decline	Salt Intrusion	Fair
103	17/40	Live Oak	B	Decline	Salt Intrusion	Good
104	47	Live Oak	D	Decline	Decay	Poor
105	16/18.5	Live Oak	B			Good
106	42	Live Oak	C	Decline	Salt Intrusion	Fair
107	13/14/18	Live Oak	C	Separates		Fair
108	13/21/27	Live Oak	D	Decline	Salt Intrusion	Poor
109	11/12.5	Live Oak	C	Decline	Salt Intrusion	Fair
110	7/8/13	Live Oak	B			Good
111	10.5/12	Live Oak	B	Lean		Good
112	12.5/18	Live Oak	B			Good
113	8/8/8/11	Live Oak	C	Decline		Fair
114	25.5	Live Oak	B			Good
115	13/17	Live Oak	B	Lean		Good



1-JAPANESE PRIVET, 6/6/6/7" (F)



2-RED OAK, 47" (D)



3-LAUREL OAK, 29" (D)



4-WHITE OAK, 9.5/16" (D)



5-WILLOW OAK, 26" (D)



6-WILLOW OAK, 32.5" (C)



7-WILLOW OAK, 24.5" (C)



8-WILLOW OAK, 51" (D)

Agenda Item #B-2

11 MARION STREET
(Radcliffeborough)

TMS # 460-12-03-076

Request a special exception from Section 54-327 to allow the removal of one grand tree.

Zoned DR-1



Application for Variance, Special Exception, Reconsideration, or Extension
to the **Board of Zoning Appeals – Site Design (BZA-SD)**

Page 1 of 2

City of Charleston

Instructions – Submit this application, along with the required information and fee, to the Permit Center at 2 George Street. **Applications are due by 12 Noon on the deadline date and must be complete to be accepted and placed on an agenda.** A sign will be posted on the property, and a public hearing will be conducted by the Board of Zoning Appeals–Site Design. **Permits authorized by the Board cannot be issued during a five (5) business day appeal period following the decision of the Board.** An appeal to the Board during this five (5) business day appeal period stays all further action on the application.

THE APPLICANT HEREBY REQUESTS:

- ☒ A Variance and/or Special Exception as explained on page 2 of this form.
☒ Tree Removal ☐ Landscaping/buffers ☐ Parking surface ☐ Other _____
☐ Reconsideration of a decision of the Board or action of a zoning official (attach Appeal form).
☐ Extension of an unexpired Variance and/or Special Exception approval.

MEETING DATE REQUESTED: DECEMBER 1ST

Property Address **11 MARION STREET, CHARLESTON SC 29403** TMS # **460-12-03-077**

Property Owner **RICH SCHWARZ** Daytime Phone **843.723.5099**

Applicant **E. E. FAVA ARCHITECTS, ETC** Daytime Phone **843.723.5099**

Applicant's Mailing Address **54 BROAD STREET, CHARLESTON SC 29401**

E-mail Address **E@EEFAVA.COM**

Relationship of applicant to owner (same, representative, prospective buyer, other) **ARCHITECT**

Zoning of property **DR-1**

Information required with application: (check information submitted)

- ☒ Scaled site plan or plat showing the variance(s) or special exception(s) being requested (3 sets)
☒ Photographs of the site, grand trees to be removed, quality trees to be saved by removing others, etc.
☒ For requests to remove trees, evaluations/reports from certified or qualified arborists
☒ Check, credit card or cash (make checks payable to the City of Charleston)
☐ YES or ☒ NO - Is this Property restricted by any recorded covenant that is contrary to, conflicts with or prohibits the proposed land use encompassed in this permit application? § 6-29-1145 of the South Carolina Code of Laws

Optional but very helpful information:

- ☐ Letters or petitions from neighbors or organizations directly affected by your request

I certify that the information on this application and any attachments is correct, that the proposed improvement(s) comply with private neighborhood covenants, if there are any, and that I am the owner of the subject property or the authorized representative of the owner. I authorize the subject property to be posted with a notice of the hearing before the Board and inspected.

Applicant *e. e. fava* Date 11.01.2021

For office use only

Date application received _____ Fee \$ _____ Time application received _____
 Staffperson _____ Receipt # _____

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
 (843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov

BZA-SD Application (continued)

Page 2 of 2

For **Variance** requests, applicants should list the specific variance(s) being requested and, if possible, explain how the variance test that follows is met (add as an attachment if necessary):

N/A

Variance Test: The Board of Zoning Appeals-Site Design is authorized to approve a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the Board makes the following findings:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. These conditions do not generally apply to other property in the vicinity;
3. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
4. The authorization of the variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.

In granting a variance, the Board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare. (SC Code of Laws Section 6-29-800)

For **Special Exception** requests, applicants should list the specific approval(s) being requested and include documentation to demonstrate compliance with the relevant special exception requirements of the Zoning Ordinance, such as Sec. 54-329, Sec. 54-511(b), or Sec. 54-513 (add as an attachment if necessary):

APPLICANT IS RESUBMITTING FOR A BZA-SD SPECIAL EXCEPTION, AS DIRECTED BY CITY'S PRINCIPAL

PLANNER, FOR REMOVAL OF A 28" ELM LOCATED 8'-10.5" FROM AN EXISTING STRUCTURE WITHIN A

PROPOSED ADDITION FOOTPRINT (SEE ATTACHED PAGE FOR ADDITIONAL INFORMATION)

All approvals of the Board shall remain valid for two (2) years from the approval date, unless extended in accordance with the provisions of Article 9, Part 5 of the zoning ordinance. Applicants may not apply for the same request that has been denied by the Board until a period of six (6) months has lapsed.

Department of Planning, Preservation & Sustainability 2 George Street Charleston, South Carolina 29401
 (843) 724-3781 FAX (843) 724-3772 www.charleston-sc.gov

APPLICANT IS RESUBMITTING FOR A BZA-SD SPECIAL EXCEPTION, AS DIRECTED BY CITY'S PRINCIPAL PLANNER, REMOVAL OF A 28" ELM LOCATED 8'-10.5" FROM AN EXISTING STRUCTURE WITHIN A PROPOSED ADDITION FOOTPRINT

SECTION 54-309. - STANDARDS FOR APPROVAL TO REMOVE TREES

(B) REMOVAL OF A GRAND TREE SHALL REQUIRE APPROVAL OF A VARIANCE, EXCEPT FOR GRAND TREES LISTED UNDER CATEGORY III OR CATEGORY IV IN SECTION 54-331 WHICH SHALL REQUIRE APPROVAL OF A SPECIAL EXCEPTION WHERE THE BOARD FINDS THAT THE GRAND TREE IS IN POOR HEALTH, THAT REMOVAL OF THE GRAND TREE WILL ALLOW PROTECTION OF A SPECIMEN TREE, AS DEFINED HEREIN, WHICH WOULD OTHERWISE BE REMOVED IF THE GRAND TREE IS SAVED, OR THAT THE GRAND TREE IS LOCATED WITHIN A PROPOSED BUILDING FOOTPRINT, STREET, ROAD, DRIVEWAY, DRAINAGE WAY, OR PARKING AREA AND NO OTHER REASONABLE DESIGN OR ECONOMICALLY REASONABLE ALTERNATIVE EXISTS TO SAVE THE TREE.

1. THE PROXIMITY OF THE 28" ELM TO THE CURRENT STRUCTURE WILL UNDERMINE THE FOUNDATION AND A HAZARD TO THE HISTORIC STRUCTURE SHOULD ANY LIMBS FALL. THE ROOT STRUCTURE IS CURRENTLY IMPACTING THE FOUNDATION ON THE EXISTING HOUSE
2. THE PATTERN OF DEVELOPMENT FOR THE NEIGHBORHOOD IS AN ADDITION BEHIND, AND DIMINUTIVE TO, THE MASS OF THE HISTORIC STRUCTURE. THE FOOTPRINT FOR AN B.A.R. APPROVABLE ADDITION IS IN DIRECT CONFLICT WITH THE TREE PROTECTION ZONE OF 13.3'. FURTHERMORE, THE REQUIRED TREE PROTECTION ZONE AND THE 9' WEST SIDE SET BACK CREATE A CONDITION WHERE NO DEVELOPMENT CAN OCCUR.
3. APPLICANT HAS CONSULTED WITH CERTIFIED ARBORIST, GERALD J BENOIT, ISA WHO MADE A SITE VISIT TO REVIEW EXISTING CONDITIONS. MR. BENOIT'S PROFESSIONAL OPINION IS THAT AS THE TREE WITH THIS PROXIMITY TO AN EXISTING STRUCTURE, INCREASES IN SIZE, THERE IS NO DOUBT THAT IT BECOMES A LIABILITY ISSUE AND WILL UNDERMINE THE CURRENT STRUCTURE. MR. BENOIT ALSO BELIEVES THAT ANY ROOT PRUNING OR MODIFICATIONS TO THE TREE THAT WOULD BE NEEDED TO ACCOMMODATE A REAR ADDITION TO THE HOME, WOULD NO DOUBT BE DETRIMENTAL TO THE TREE AND MOST LIKELY BE FATAL TO IT .

BOARD OF ZONING APPEALS SITE DESIGN

City of Charleston

Wednesday, December 1, 2021

ITEM B 2

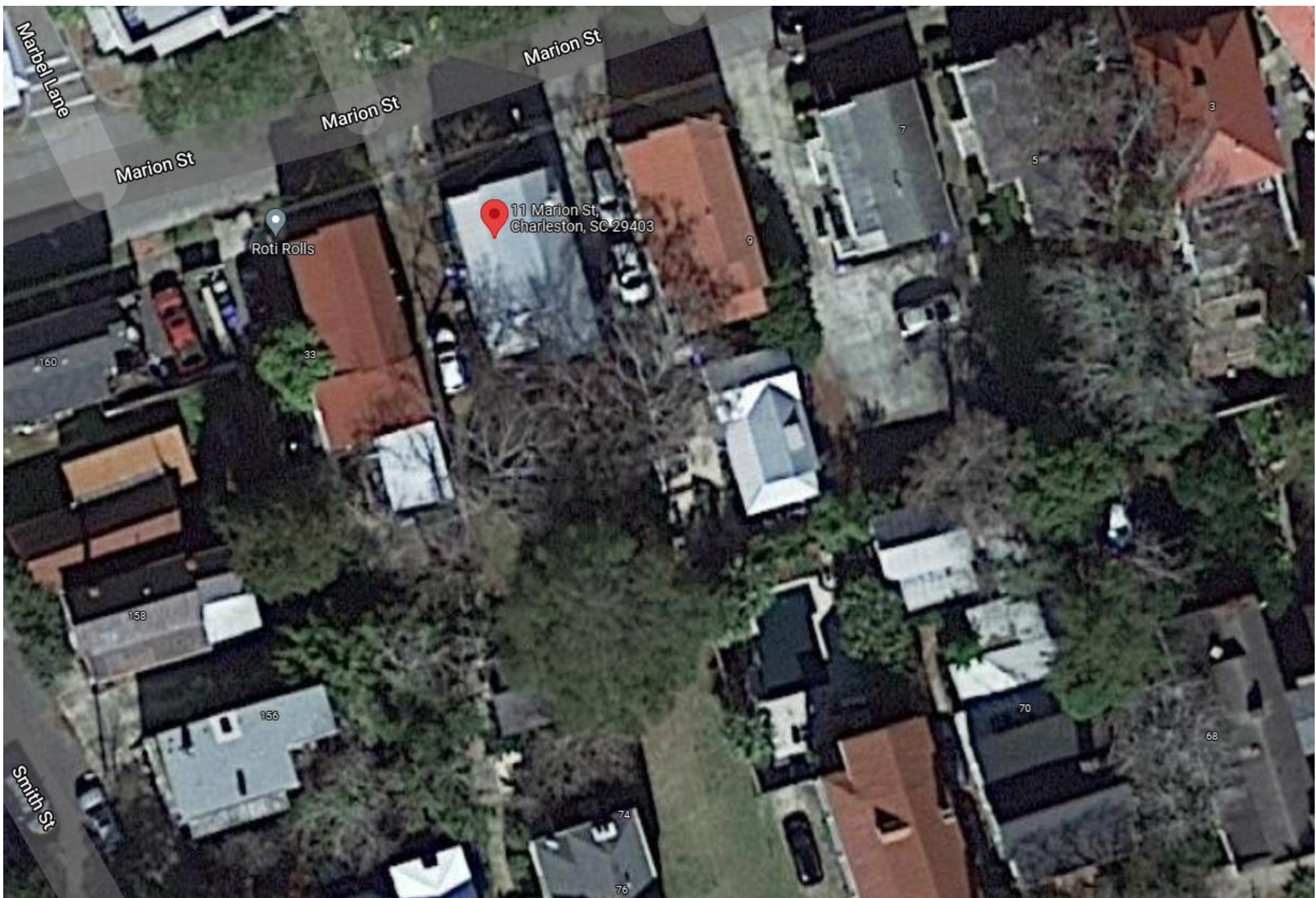
11 Marion St

(Radcliffeborough)

TMS# 460-112-03-076

ZONED DR-1







SHEET LIST

A000	Cover
AE001	Survey
AE100	Existing Site Plan
PH101	Existing Exterior Photos

Tree Removal Set
Schwarz Residence - 11 Marion St

NOTES

1. THIS PARCEL APPEARS TO LIE IN FLOOD ZONE A (ELEVATION 11'), FIRM PANEL 0512-K COMMUNITY 45019 EFFECTIVE 1/29/2021.
2. VERTICAL DATUM IS NAVD 88.
3. HORIZONTAL DATUM IS SOUTH CAROLINA STATE PLANE GRID (NAD 83).
4. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL EXCEPTIONS, RIGHT-OF-WAYS, EASEMENTS, AND/OR RESTRICTIONS.
5. SURVEY NOT LIABLE FOR UTILITIES COVERED OR OBSTRUCTED, NO 811 UTILITY CALL WAS REQUESTED.
6. THIS PARCEL IS ZONED DIVERSE DISTRICT (DR-1) BUILDING SETBACKS, AND ALL OTHER SITE REGULATIONS ARE PER THE CITY OF CHARLESTON ZONING REGULATIONS AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.

REFERENCES

1. PB: A PG:152
2. PB: BA PG:143
3. DB: 0658 PG: 741

LEGEND

NF ●	NAIL FOUND	ELM	ELM
RBF ●	IRON REBAR FOUND	WO	WATER OAK
XF ×	SCRIBED X FOUND	BSL	BUILDING SETBACK LINE
	POWER POLE		
	CONCRETE		
	CONCRETE		
	EDGE OF PAVEMENT		
FFE	FINISHED FLOOR ELEVATION		
— x —	FENCE LINE		
— OHP —	OVERHEAD POWER LINE		



VICINITY MAP NOT TO SCALE

PREPARED FOR:
LYNNE FULLER

AN AS-BUILT, AND BOUNDARY SURVEY
11 MARION STREET

TAX PARCEL No.
460-12-03-076

CHARLESTON COUNTY, SOUTH CAROLINA

FIELD WORK: MS
FIELD CHECK: GK
DRAWN BY: AC
DATE: 03-19-2021
SCALE: 1"=30'
PROJECT No.: CHS-21044
FILE: CHS-21044-A1-B1.DWG

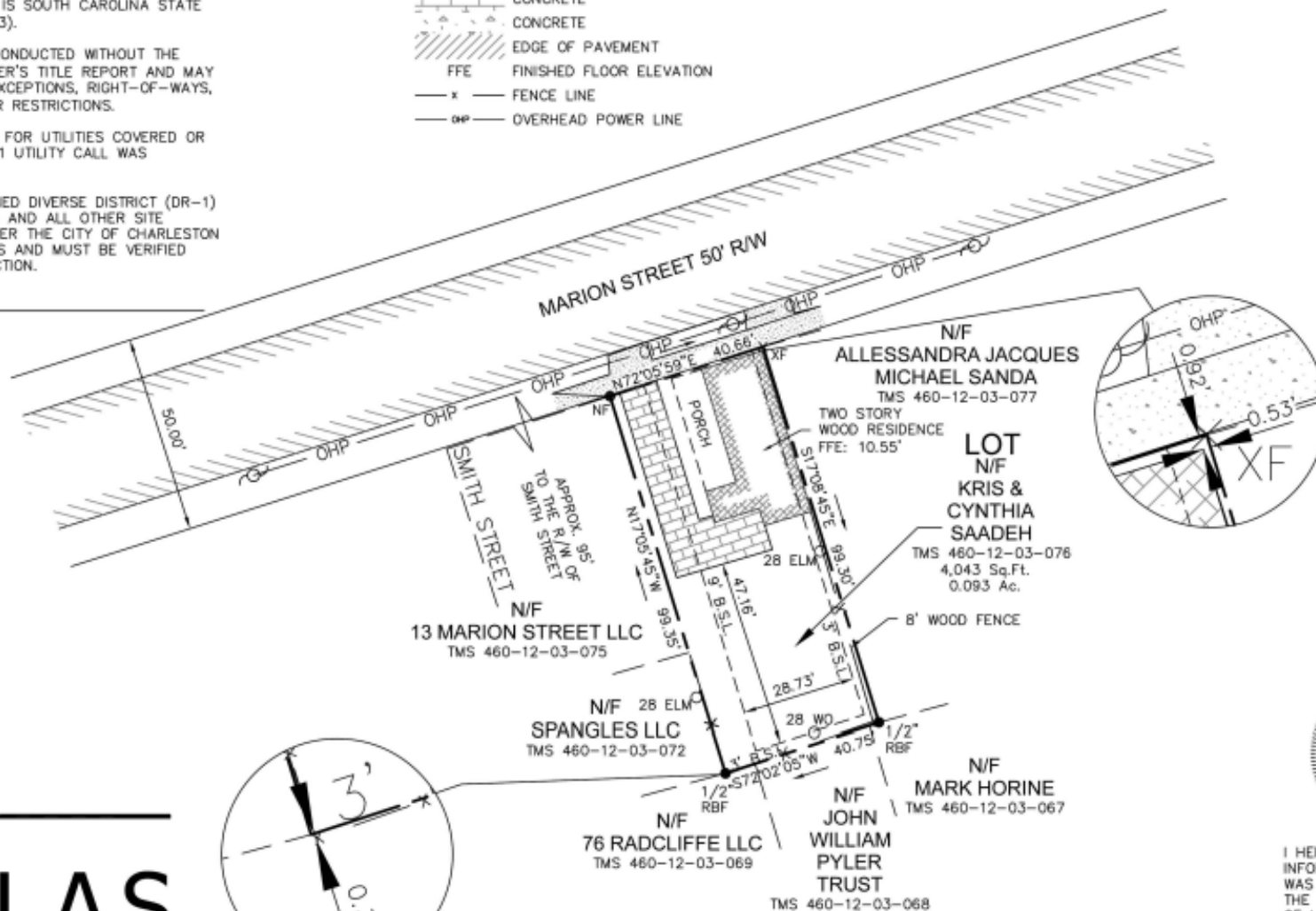
NORTH
SC GRID (NAD 83)

ATLAS
SURVEYING, INC.

1017 BANKTON CIRCLE
HANAHAN, SC 29410
PHONE: (843) 573-7831
WEBSITE: WWW.ATLASSURVEYING.COM

30 15 0 30 60

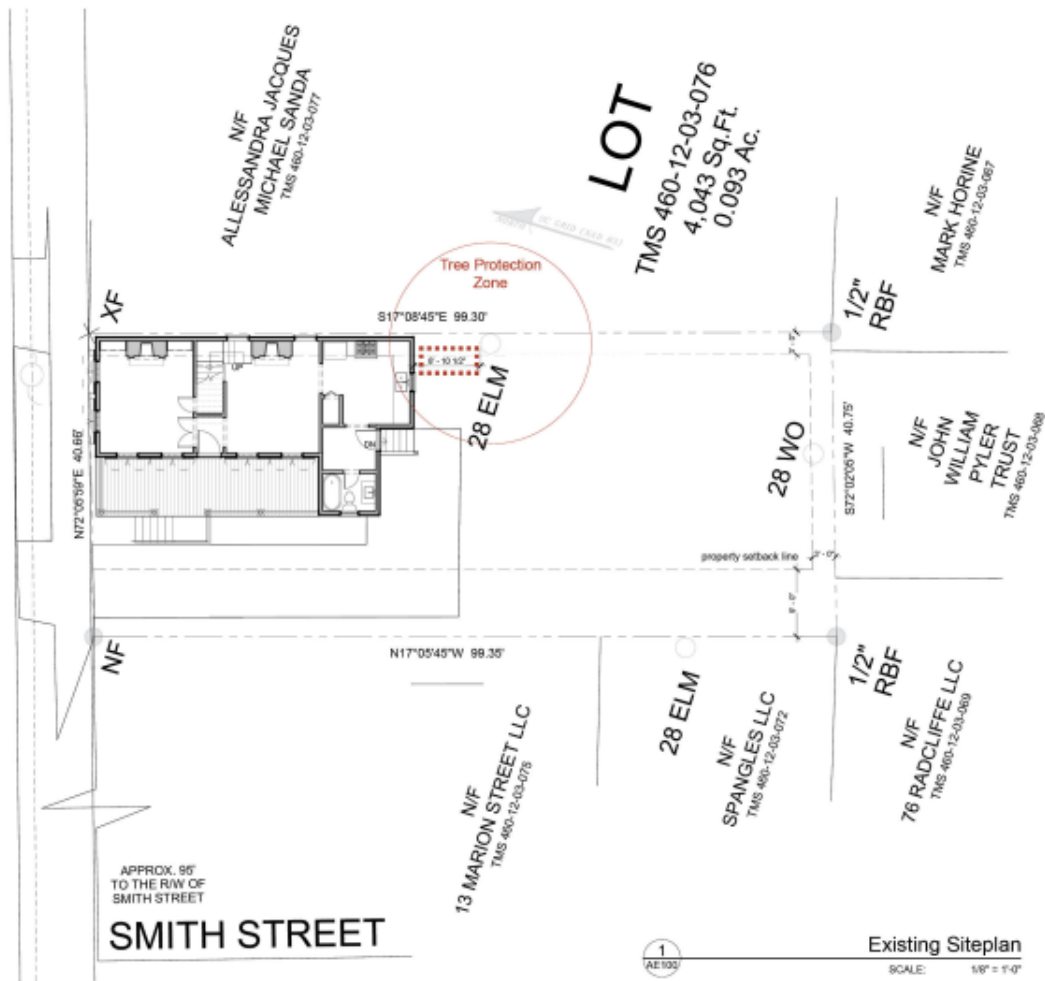
GRAPHIC SCALE



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

GARY KUROSKI
S.C.P.L.S. No. 20467
NOT VALID UNLESS CRIMPED WITH SEAL

Fuller Schwarz Residence | 11 Marion Street | Charleston, SC, 29401
eefava architects, etc., inc. | 54 Broad Street | Charleston, South Carolina 29401 | 843.723.5099 | eefava.com



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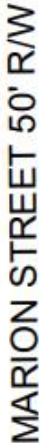
Revisions

No.	Description	Date

09/30/20

e. Existing Site Plan AE100

ALL DESIGN AND DETAILS ARE THE EXCLUSIVE PROPERTY OF E. E. FAVA ARCHITECTS, ETC.



SCALE: 1/8" = 1'-0"

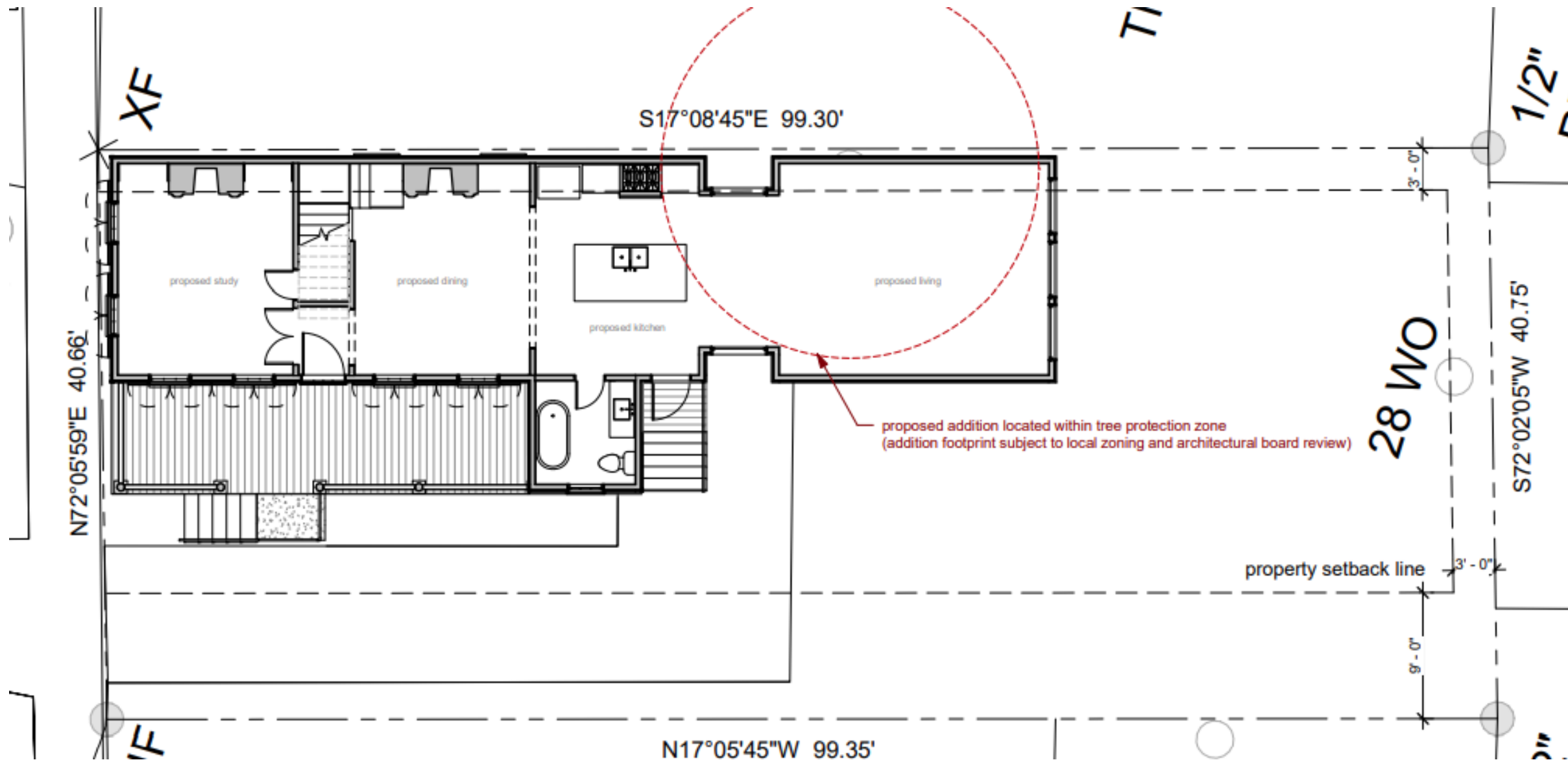
to be for a lot of things, etc.

[illegible]

11:21:30am

eefava architects, etc. inc. | 54 Broad Street | Charleston, South Carolina 29401 | 843.723.5099 | eefava.com

e. **A100**





ANDREW HARGETT LAND ARCHITECTURE, LLC

P O BOX 31913

CHARLESTON, SOUTH CAROLINA 29407

843-810-1337

SC Landscape Architect # 728

ISA TRAQ Arborist SO-6569A

November 15, 2021

Mr. Gerald Benoit
3300 Cedar Creek Court
Mt. Pleasant, SC 29466
Seajunkie49@gmail.com

RE: 11 Marion Street
Charleston, SC 29403

Dear Gerald:

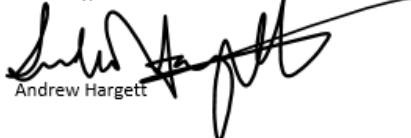
At your request, I reviewed a tree at 11 Marion Street in downtown Charleston. The site is a relatively level downtown lot with two large trees on the property in a mostly lawn rear yard. The tree for study is located on the property line between 11 and 9 Marion Street and is within approximately six feet of the house and about thirty inches from an old foundation.

Performing a Level I ISA inspection, the canopy, the major branches, the trunk and the root structure were inspected. The tree is an American Elm [*Ulmus americana*] measuring approximately 26" diameter breast high [dbh]. The Elm is dropping sizeable limbs, greater than two inches in diameter. In fact, a branch having about a 4" diameter had fallen and was impacting the HVAC units present. There were several other smaller dead limbs on the ground. Using binoculars, you could see where many other branches have recently failed. Despite the limbs falling, the tree is in relatively fair, perhaps even good—hard to say accurately with Autumn already upon us—condition. However, it is also in declining condition and vigor, most likely due to the girdling roots, the grade change by the neighbor's driveway, and the available nutrients. The root flare at 9 Marion Street is non-existent, indicative of relatively recent grade changes. This would also explain the falling limbs as the tree is shutting down nutrient disbursement to compensate for root loss. The trunk is twisted and has some vertical seams, typical of the American Elm as well as some crevices holding leaf litter and moisture, again typical of this species. Many surface roots were visible and a noticeable root flare is impacting the old abandoned foundation and is, or soon will be, impacting the existing home's foundation. The canopy is vase shaped with a slight lean towards 9 Marion street. There are some branches overhanging the roof.

The problem with this tree is the close location to the foundation coupled with the massive root flare that is indicative of the Elm family of trees. Combining this issue with the grade change and the preponderance of the weight of the tree leaning toward the neighboring house on the same side of the grade change, makes this tree a reasonable hazard. While not at high risk for failure, the compression roots have been compromised, putting more stress on the tension roots. It was suggested that the homeowners explore root pruning for the Elm to prevent foundation disturbance. This is not advisable. Elms do not appreciate root zone disturbance and given the tension roots are the main stabilizers keeping the tree standing, cutting these roots would most assuredly lead to tree failure. Given that failure is not currently particularly high, the results of failure are catastrophic and as the years pass the risk shall increase given more weight, a bigger sail and less root area. Unfortunately, there are not enough compelling reasons for this tree should remain in place. The American Elm is a problem and will continue to be a greater problem as time goes by.

Should you or any officials from the Charleston have any questions or wish further discussion, please contact me.

Sincerely,



Andrew Hargett



Root Flare and fallen limbs



Branch Failure landed in crotch and on HVAC, other missing limbs noticeable



Girdling Roots, vertical seams and decay pocket formed



Grade Change, lack of root flare and compaction in the root zone